

INDEX NO.: CV-03315

LLEWELLYN ANGELO WILLIAMS

Petitioner(s)

AFFIDAVIT OF DUE DILLIGENCE

-against

THE CITY OF NEW ROCHELLE, THE CITY OF NEW ROCHELLE  
POLICE DEPARTMENT, SERGEANT DANIEL CONCA, SERGEANT  
JOHN INZEO, SERGEANT WILSON, POLICE OFFICER ADAM  
CASTAGNA, POLICE OFFICER EDWARD SILLER

Respondent(s)

STATE OF NEW YORK  
COUNTY OF WESTCHESTER

I, JERMEL MCCLURE being duly sworn, deposes and says; that he is not a party herein, is over the age of 18 years, and resides in the State of New York. That on OCTOBER 21, 2013, at 10:30 A.M., at 475 NORTH AVENUE, NEW ROCHELLE, NEW YORK 10801

respondent served the within ☐ SUMMONS WITH NOTICE ☐ ORDER TO SHOW CAUSE  
☐ SUMMONS AND COMPLAINT ☐ NOTICE TO TAKE ORAL DEPOSITION  
☒ AMENDED COMPLAINT ☐ 30 DAY NOTICE  
☐ VERIFIED COMPLAINT ☐ CITATION  
☐ SUBPOENA ☐ SUBPOENA DUCES TECUM ☐ NOTICE OF PETITION AND PETITION  
NON-PAYMENT

SERVED ON: THE CITY OF NEW ROCHELLE POLICE DEPARTMENT, et al.

☐ Individual by delivering a true copy of each to said recipient personally; deponent knew the person so served to the person described as said recipient therein.

☒ Corporation A Municipal corporation, by delivering thereat a true copy of each to Marie ~~Kello Williams~~ personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be AGENT AUTHORIZED TO ACCEPT SERVICE thereof.

☐ Suitable Age Person by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

☐ Affixing to Door, etc. by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there. on \_\_\_\_\_, 201\_\_\_\_\_ at \_\_\_\_\_ a.m.; and \_\_\_\_\_, 201\_\_\_\_\_ at \_\_\_\_\_ a.m.;

☐ Mailing to Residence Deponent talked to \_\_\_\_\_ at said premises who stated that recipient ☐ lived ☐ worked there. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at \_\_\_\_\_ and deposited said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

☐ Mailing to Business

Deponent describes the person served as follows:

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White skin	<input type="checkbox"/> brown hair	<input type="checkbox"/> white hair	<input type="checkbox"/> 14-20 yrs.	<input type="checkbox"/> under 5'	<input type="checkbox"/> under 100 lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black skin	<input checked="" type="checkbox"/> black hair	<input type="checkbox"/> balding	<input type="checkbox"/> 21-35 yrs.	<input checked="" type="checkbox"/> 5'0"-5'3"	<input checked="" type="checkbox"/> 100-130 lbs.
	<input type="checkbox"/> Yellow skin	<input type="checkbox"/> blonde hair	<input type="checkbox"/> mustache	<input type="checkbox"/> 36-50 yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 lbs.
	<input type="checkbox"/> Brown skin	<input type="checkbox"/> gray hair	<input type="checkbox"/> beard	<input checked="" type="checkbox"/> 51-65 yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 lbs.
	<input type="checkbox"/> Red skin	<input type="checkbox"/> red hair	<input checked="" type="checkbox"/> glasses	<input type="checkbox"/> over 65 yrs.	<input type="checkbox"/> over 6'	<input type="checkbox"/> over 200 lbs.

Other identifying features:

☐ Witness Fees \$ \_\_\_\_\_ the authorizing traveling expenses and one days' witness fee: ☐ was paid (tendered) to the recipient ☐ was mailed to the witness with subpoena copy.

☒ Military Service I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian and no military uniform. The sources of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

SWORN TO ME BEFORE THIS  
DAY OF OCTOBER 2013

28th  
[Signature]  
LUIS ADAMES  
Notary Public, State of New York  
No. 01AD607625  
Qualified in Bronx County  
Qualified in Westchester County  
Commission Expires June 24, 2014

JERMEL MCCLURE  
LIC: 1439600

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

LLEWELLYN ANGELO WILLIAMS

*Plaintiff*

v.

THE CITY OF NEW ROCHELLE, ET AL

*Defendant*

Civil Action No. 13CV03315 (NSR)

*AMENDED*  
SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

PRO SE:  
LLEWELLYN ANGELO WILLIAMS  
22 CLINTON STREET  
NEW ROCHELLE, NEW YORK 10801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT  
CLERK

Date: 10/08/2013

*Signature of Clerk or Deputy Clerk*